

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

CLAUDE COX,	)	CASE NO. 5:13CV364
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
SUMMIT RACING EQUIPMENT,	)	<u>AND ORDER</u>
	)	
Defendants.	)	

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)), the district court is required to dismiss an *in forma pauperis* action under 28 U.S.C. §1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196, 1198 (6th Cir. 1990). Moreover, An *in forma pauperis* claim may be dismissed *sua sponte*, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking section 1915(e) [formerly 28 U.S.C. § 1915(d)] and is dismissing the claim for one of the reasons set forth in the statute. *McGore v. Wigglesworth*, 114 F.3d 601, 608-09 (6th Cir. 1997). For the reasons stated below, this action is dismissed pursuant to section 1915(e).

Plaintiff Claude Cox filed this action on February 19, 2013, alleging that he has requested a sales catalog, a tools catalog, and a “hot rod” catalog from Defendant Summit Racing Equipment. Cox asserts that he has received no response to his requests. Cox also asserts that he has made the Better Business Bureau aware of these facts, and requests that this Court require Defendant to

“answer this suit.”

Cox has not stated any cause of action within his complaint. Moreover, the facts alleged cannot conceivably support any cause of action under state or federal law. Accordingly, the complaint is hereby DISMISSED.

This action is dismissed pursuant to 28 U.S.C. § 1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: March 6, 2013

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE